

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

NORTH MIAMI BEACH GENERAL	)	
EMPLOYEES RETIREMENT FUND, <i>et al.</i> ,	)	Case No. 10 C 6514
	)	
Plaintiffs,	)	
	)	Hon. John J. Tharp, Jr.
vs.	)	
	)	
ROBERT L. PARKINSON, <i>et al.</i> ,	)	
	)	
Defendants,	)	
	)	
– and –	)	
	)	
BAXTER INTERNATIONAL, INC.,	)	
	)	
Nominal Defendant.	)	

**REASSIGNMENT STATUS REPORT**

Lead Plaintiff Westmoreland County Employee Retirement System (“Lead Plaintiff”), Defendants Robert L. Parkinson, Jr., Walter E. Boomer, Blake E. Devitt, John D. Forsyth, Gail D. Fosler, James R. Gavin III, Peter S. Hellman, Wayne T. Hockmeyer, Joseph B. Martin, Carole J. Shapazian, Thomas T. Stallkamp, K. J. Storm, Albert P.L. Stroucken, Robert M. Davis, Norbert G. Riedel, Joy A. Amundson, Bruce H. McGillivray, and Cheryl L. White (the “Individual Defendants”), and Nominal Defendant Baxter International Inc. (“Baxter,” and together with the Individual Defendants, “Defendants”) jointly submit this Reassignment Status Report pursuant to the Court’s Order dated June 8, 2012.

**1. Nature of the Case**

**A. Attorneys of Record**

Lead Plaintiff is represented by Judith S. Scolnick (lead counsel), Donald A. Broggi, Thomas L. Laughlin, Max R. Schwartz and Anne L. Box of Scott+Scott LLP. Michael J.

Freed, Steven A. Kanner, and Donald L. Sawyer of Freed Kanner London & Millen LLC are local counsel for Lead Plaintiff.

The Individual Defendants are represented by Matthew R. Kipp (lead counsel), Donna L. McDevitt, and Andrew J. Fuchs of Skadden, Arps, Slate, Meagher & Flom LLP.

Baxter is represented by Robert J. Kopecky (lead counsel) and Sarah J. Donnell of Kirkland & Ellis LLP.

**B. Jurisdiction**

The Court has diversity jurisdiction over this case pursuant to 28 U.S.C. § 1332 because Plaintiffs and Defendants are citizens of different states and the matter in controversy exceeds \$75,000, exclusive of interest and costs. The Parties do not dispute federal jurisdiction over this matter.

**C. Nature of Claims**

The Individual Defendants are current or former officers or directors of Baxter. In its Amended Consolidated Verified Shareholder Derivative Complaint, filed on September 26, 2011 (Docket No. 94), Lead Plaintiff asserts shareholder derivative claims on behalf of Baxter against the Individual Defendants for breach of fiduciary duty, gross mismanagement, waste of corporate assets, insider trading, and unjust enrichment.

**D. Relief Sought**

Lead Plaintiff requests relief in the form of compensatory damages, declaratory and injunctive relief, punitive damages, attorneys' fees, and costs.

**E. Parties Not Served**

All parties have been served.

**2. Pending Motions and Case Plan**

**A. Pending Motions**

The Individual Defendants' Motion to Dismiss Plaintiff's Amended Consolidated Verified Shareholder Derivative Complaint, filed on October 17, 2011, has been fully briefed and is pending before this Court. (Docket No. 96.) Lead Plaintiff filed its response in opposition to the motion on November 28, 2011 (Docket No. 104), and the Individual Defendants filed their reply on January 9, 2012. (Docket No. 110.)

In addition, Baxter's Motion to Dismiss or Stay Plaintiff's Consolidated Verified Shareholder Derivative Complaint, filed on October 17, 2011, has been fully briefed and is pending before this Court. (Docket No. 102.) Lead Plaintiff filed its response in opposition to the motion on November 28, 2011 (Docket No. 105), and Baxter filed its reply on January 9, 2012. (Docket No. 111.)

On January 25, 2012, Lead Plaintiff filed its Notice of New Authority in Further Opposition to the Motions to Dismiss. (Docket No. 112.) The Individual Defendants filed their response to the notice on January 27, 2012 (Docket No. 113), and Baxter filed its response that same day. (Docket No. 114.)

On February 1, 2012, Baxter filed a Notice of Additional Authority in Support of Baxter's Motion to Dismiss or Stay. (Docket No. 115.) Lead Plaintiff filed its response to the notice on February 3, 2012. (Docket No. 116.)

**B. Discovery**

The parties have not engaged in discovery and no discovery schedule has been set.

**C. Prior Substantive Rulings**

On July 5, 2011 Judge Edmond Chang entered an Order and written Opinion appointing Westmoreland County Employee Retirement System Lead Plaintiff and Scott+Scott LLP Lead Counsel.

**D. Anticipated Substantive or Significant Procedural Motions**

Given the pendency of the motions to dismiss, the Parties do not anticipate any significant substantive or procedural motions prior to the Court's resolution of the two dispositive motions.

**E. Trial**

**(1) Jury Demand**

Lead Plaintiff has made a jury demand in this case.

**(2) Estimated Length of Trial**

Given the early stage of the case, the Parties currently cannot estimate the length of trial.

**(3) Earliest Date for Trial**

Given the early stage of the case, and the two pending dispositive motions, the Parties currently cannot predict the earliest date on which a trial could begin.

**3. Referrals and Settlement**

**A. Assigned Magistrate Judge**

The Honorable Sidney I. Schenkier is the United States Magistrate Judge assigned to this case. To date, this matter has not been referred to Judge Schenkier for any purpose.

**B. Settlement Discussions**

The Parties conferred about whether settlement discussions would be productive and concluded that such discussions would not be fruitful at the moment.

**C. Settlement Conference**

The Parties do not believe that a settlement conference would be productive at this time.

**D. Notification of Consent Jurisdiction**

Counsel have informed their respective clients about the possibility of consenting to proceed before Judge Schenkier.

**4. Other Information**

**A. Other Pertinent Information**

The Parties have provided all relevant information consistent with the Court's June 8, 2012 Order.

**B. Status Hearing**

The Parties request that the Court set a status hearing. Lead Plaintiff requests that the Court set a date for oral argument on the two motions to dismiss.

Dated: June 18, 2012

Respectfully Submitted,

/s/ Matthew R. Kipp  
Matthew R. Kipp  
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Respectfully Submitted,

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Respectfully Submitted,

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